

Foster, Denise

From: Robert Perez [Robert@robertperezlaw.com]
Sent: Wednesday, April 10, 2013 9:02 AM
To: Foster, Denise
Subject: Regarding the proposed change to CrR 3.2.1

It is regrettable that forcing judicial officers to travel to court is inconvenient, but I am not yet ready to transition to a system of hearings by email or fax. Paper exchanges are no replacement for having a judge present to hear oral argument (which, typically, is the primary method for arguing this particular issue). The courtroom is a forum for oral debate and face-to-face argument, not simply a clearing house for decisions rendered electronically and in the absence of the nuances of human, face-to-face communication. This is not a good idea and should not be endorsed by criminal practitioners who spend the great majority of their time (unlike their civil counterparts) presenting oral argument on issues that arise spontaneously within the short window of time restraining criminal procedure. I urge my colleagues to reject this proposal and resist the temptation to substitute paper exchanges for oral argument on something as fundamental as the decision whether to keep a citizen in jail.

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